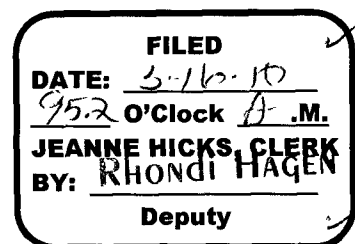


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B  
HON. WARREN R. DARROW  
CASE NO. V1300CR20108 0049

JEANNE HICKS, CLERK  
BY: Rhondi Hagen, Deputy Clerk  
DATE: March 16, 2010

TITLE:  
STATE OF ARIZONA,

(Plaintiff)

v

JAMES ARTHUR RAY,

(Defendant [D- 1])

COUNSEL:  
Yavapai County Attorney (via OnBase)  
By Sheila Polk  
Bill Hughes  
Steven Sisneros

(For Plaintiff)

Thomas K. Kelly (e)  
(Co-Counsel for Defendant)  
Luis Li  
Brad Brian  
Truc Do  
MUNGER TOLLES & OLSON LLP  
355 South Grand Avenue Thirty-Fifth Floor  
Los Angeles, CA 90071-1560  
(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON: NATURE OF PROCEEDINGS  
CASE MANAGEMENT CONFERENCE / REQUEST FOR *IN CAMERA*  
REVIEW OF AUTOPSY REPORTS AND PHOTOGRAPHS

COURT REPORTER  
Mina Hunt

START TIME: 9:06 a.m.

APPEARANCES: Sheila Polk, Counsel for State  
Thomas Kelly, Co-Counsel for Defendant  
Luis Li, Co-Counsel for Defendant *Pro Hac Vice*  
Brad Brian, Co-Counsel for Defendant *Pro Hac Vice* (Telephonically)  
James Ray, Defendant  
Chris Moeser, Counsel for KPNX Broadcasting Company  
Shannon Clark, Co-Counsel for Shore Family (Telephonically)  
Louis Diesel, Counsel for Neuman Family  
Michael Murphy, Co-Counsel for Brown Family  
Robert Magnanini, Co-Counsel for Brown Family  
George Brown, (Telephonically)  
Andrea Puckett (Telephonically)  
Virginia Shore (Telephonically)

Request for In Camera Review of Autopsy Reports and Photographs

Counsel address the Court regarding their positions on the Request for *In Camera* Review of Autopsy Reports and Photographs and the public record.

March 16, 2010

The Court has considered the State's Request for *In Camera* Review of the Autopsy Reports and Photographs and considered the responses and memoranda of representatives of the alleged victims and of the Intervenor KPNX Broadcasting Company. The Court has reviewed the autopsy reports and a limited number of photographs. All of the records and photographs in question are public records. As required by Arizona law, the Court has balanced the strong public interest in disclosure against the ongoing privacy interests of the families involved and **concludes** that the privacy interest weighs heavily in this matter and that the disclosure proposed by the State is appropriate and in keeping with the primary purpose of the Public Records Law, that purpose being to ensure that "the people are able to monitor the activity of their government, not the lives of their fellow citizens". Disclosing the photographs and the detailed accounts of the physical and anatomical observations and procedures conducted by the Medical Examiners would not serve the purpose of the Public Records Law. Therefore,

**IT IS ORDERED** that only the first page and the final summary and opinion paragraph of the autopsy reports will be disclosed. Disclosure is to occur promptly. Photographs will not be disclosed. The disclosure shall be through the County Attorney's Office. The reports submitted to the Court for review will be under seal, not to be opened or viewed unless there is further order of the Court.

### **Case Management Conference**

Counsel for the State raises its second request for the Court to make a determination with respect to public records, specifically the telephone calls between Defendant and the public while incarcerated and the Inmate Visitor Roster. The Court advises that written rulings will be prepared in addition to rulings regarding extrajudicial statements or Gag Order.

The Court and Counsel discuss Rule 8 time and designation of this matter as a complex case as well as trial dates. The Court has calculated Rule 8 time as August 9<sup>th</sup>.

Counsel for Defendant moves the Court to expand its trial week to include Tuesdays.

The Court takes a recess to allow Counsel the opportunity to compare calendars with the Judicial Assistant regarding available trial dates.

~~~Recess~~~

At 9:43 a.m. the Court and all previously appearing Parties and Counsel are present.

During the recess, the Court and Counsel discussed trial scheduling.

**IT IS ORDERED setting a 56-day Jury Trial, 12 Person Jury, commencing on August 31, 2010 at 9:30 a.m. with a Pretrial Conference at 8:30 a.m. Trial shall continue on various days through and including December 17, 2010, with 4-day trial weeks. During holidays, trial will be one day less.** ✓

The Court sets the following deadlines:

- The Court accelerates the deadline for submission of exhibits, with an index, to the Clerk to no later than August 18, 2010.
- Proposed Voir Dire and Jury Instructions shall be submitted no later than August 18, 2010.
- Final Lists of Witnesses and Exhibits shall be exchanged, with notice to the Court, no later than July 23, 2010.
- Motions Deadline is July 9, 2010
- Response and Reply Deadlines shall be pursuant to the Rules.

March 16, 2010

**IT IS ORDERED** setting Status Conference/Pretrial Conference on April 26, 2010 at 9:00 a.m. before this Division.

Counsel for Defendant moves the Court to hold trial in the Prescott Courthouse due to the size of the jury needed and whether it is appropriate to schedule pretrial evidentiary matters for hearing. Counsel are advised that the issue will be addressed at the Status Conference set on April 26, 2010.

Defense waives time. **IT IS ORDERED** time is excluded.

**IT IS ORDERED** confirming the existing release conditions.

Defendant is advised that he must appear for trial and is warned of the consequences of non-appearance. Defendant acknowledges he understands.

Defense Counsel inquires whether Defendant must be present for all hearings and is advised by the Court that Defendant need not be present for scheduling-type hearings. Counsel for the State has no objection, but requests that Defendant be required to submit written pleadings for each hearing that Defendant desires his presence be waived.

**IT IS ORDERED** granting the State's oral motion requiring that Defendant submit a written pleading prior to each hearing requesting Defendant's presence be waived.

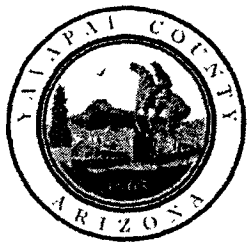
**END TIME:** 9:52 a.m.

**THEREAFTER, off the record,** the specific Trial Dates set are as follows:

August 31, 2010, September 1 and 2, 2010  
September 8, 9 and 10, 2010  
September 14, 15, 16 and 17, 2010  
September 21, 22, 23 and 24, 2010  
September 28, 29, 30 and October 1, 2010  
October 5, 6, 7 and 8, 2010  
October 13, 14, and 15, 2010  
October 19, 20, 21 and 22, 2010

October 26, 27, 28 and 29, 2010  
November 2, 3, 4 and 5, 2010  
November 9, 10 and 12, 2010  
November 16, 17, 18 and 19, 2010  
November 30, 2010 and December 1, 2 and 3, 2010  
December 7, 8, 9 and 10, 2010  
December 14, 15, 16 and 17, 2010

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy Schmitt Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, 150 John F. Kennedy Pkwy, 4<sup>th</sup> Floor, Short Hills, New Jersey 07078  
Aspey Watkins & Diesel, P.L.L.C., Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company (e)  
Victim Services (e)  
Division PT-B (e+)  
Court Administration  
Jeanne Hicks, Clerk of Court  
Customer Service Supervisor, Verde (done)  
Notice of Exhibit Deadline *[Signature]*



# Clerk of Superior Court

Yavapai County Courthouse  
120 S. Cortez  
Prescott, Arizona 86303  
(928) 771-3312  
Fax: (928) 771-3111

Yavapai County Court Building  
2480 N. Commonwealth Drive  
Camp Verde, Arizona 86332  
(928) 567-7741  
Fax (928) 567-7720

Jeanne Hicks  
Clerk

Renee Braner  
Chief Deputy

## NOTICE OF EXHIBIT DEADLINE

Deadline having been set in this matter for the submission of exhibits,

You are hereby notified that exhibits need to be received by the Clerk no later than 5:00 p.m. on the deadline indicated in the attached minute entry. Failure to comply with the Court Ordered deadline will result in the Clerk advising the Court of the failure to comply. Sanctions may be imposed including the preclusion of the exhibits. **In the event no deadline has been set, exhibits shall be submitted to the Clerk no later than 5 working days prior to any hearing at which exhibits are to be presented.**

Exhibits shall be submitted to the Clerk's office along with a formal list of exhibits. The list shall include a brief description of each exhibit and the following criteria shall be met:

- The Clerk no longer accepts items other than **paper (8.5"x11")**, **audio** or **video** for the purpose of marking, unless otherwise ordered by the Judge. **Photographs will be accepted and marked by the Clerk for any other items.**
- In the event the Judge allows larger or unwieldy items, such as large poster boards, drugs, weapons or cash, they will be accepted by the Clerk on the day of the hearing, however, **a photograph of the item shall also be submitted to be marked along with the item.** The Clerk will be requesting release of the unwieldy items at the end of the hearing but will retain the photograph for purpose of appeal.
- To make arrangements for equipment to be used in the Courtroom at the time of a hearing, please contact the assigned Division in advance.

Thank you for your cooperation in this matter.

Please feel free to contact the following Clerks if you have any questions:

Verde Valley- Exhibit Clerk @ (928) 567-7741  
Prescott- Exhibit Clerk @ (928) 771-3312